

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

BEVERLY K HUFFAKER
Claimant

APPEAL NO. 07A-UI-04035-M

**ADMINISTRATIVE LAW JUDGE
DECISION**

SAUER-DANFOSS (US) CO
Employer

**OC: 03/25/07 R: 02
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 10, 2007, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 14, 2007, at Des Moines. Claimant participated. Employer failed to respond to the hearing notice and did not participate. Exhibit A was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: Claimant last worked for employer on March 5, 2007. Claimant was told by the employer that if she quit, they would not investigate her workers' compensation claim. Employer had already paid the entire bill. The claim was closed. Claimant had a repetitive shoulder injury in March 2005 with this employer. Claimant underwent surgery in March of 2006. Claimant was released to light duty work. Claimant asked for her old line job back several times, to no avail. Finally, while still on light duty, the employer threatened to investigate the shoulder injury if claimant did not quit in 12 hours. Employer told claimant that if she quit immediately, they would not investigate the claim. Claimant was also told that the employer would not fight the unemployment claim if she took their offer to quit.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of employer's threats to investigate a workers' compensation claim. Employer also enticed claimant to quit by offering to not fight the unemployment claim. Both the threat and the enticement were perpetrated by the employer without cause. This is a quit for cause attributable to employer. Employer's failure to put claimant back at her old job is indicative of a desire to end claimant's employment before a new injury could happen. This is a

separation for cause attributable to employer arising from a work-related injury. Benefits allowed.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

DECISION:

The decision of the representative dated April 10, 2007, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/kjw